John A. Leonard
LEONARD, KEY & KEY PLLC
900 8TH Street – Suite 327
P.O. Box 8385
Wichita Falls, Texas 76307-8385
Telephone: (940) 322-5217
Telecopier: (940) 322-3381
Attorneys for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

IN RE: **EMILY CRESS SORELLE** **Debtor**	**CASE NO. 10-70303-HDH-13**

MOTION TO REINSTATE CASE

TO THE HONORABLE HARLIN D. HALE, UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Emily Cress SoRelle, Debtor, and files this Motion to Reinstate Case ("Motion") and would respectfully show the Court as follows:

1. The Court has jurisdiction over this matter and this matter is a core proceeding pursuant to 28 U.S.C. §1334 and §157(b)(2)(A). This matter is brought pursuant to Federal Rule 60 and Bankruptcy Rule 9024.

2. The case was commenced by a voluntary petition filed by the Debtor on or about July 6, 2010. The case was dismissed on January 3, 2011.

3. On March 10, 2010, Debtor became unemployed. She was making her payments from her unemployment compensation. However, in September 2010, she was not able to make her payment. She informed her former attorney, Monte White, that she did not make the September payment. She wanted to meet with Mr. White to discuss her options. She was informed that she would be charged $125.00 to meet with Mr. White. Prior to filing her case, Ms. SoRelle had paid $1,312.00 for fees in this case and a prior case.

4. In November 2010, she received a letter from Mr. White's office informing her that a meeting was scheduled to discuss her case and that an interlocutory order might be

entered. She contacted Mr. White's office and inquired if she should be present. She was told that she did not need to attend the meeting.

5. Ms. SoRelle did not receive any other communication from Mr. White's office. On December 6, 2010, she contacted Mr. White's office to determine when her next payment was due and the amount of the payment. At that time she was informed that her payment had been increased from $656.00 to $984.00 and that it was due that day.

6. Ms. SoRelle did not have the funds to make the payment. On December 14, 2010, she contacted a family friend, Max Tarbox, to discuss her current situation. He was able to get a two-week extension of time to make the payment. She was required to contact Diane at Walter O'Cheskey's office to determine when her payment was due. Diane informed her she would have two-weeks to make the payment.

7. On January 4, 2011, she called Diane to inform her that the payment was being sent that date. According to Ms. SoRelle, Diane informed her that the transaction was fine. Ms. SoRelle was not informed that her case had been dismissed the prior day. Mr. White did not inform her that her case had been dismissed.

8. Ms. SoRelle had tremendous problems with communications with Mr. White. She never received a copy of her schedules, plan, orders from the court denying confirmation of her plan, or any other documents. Ms. SoRelle changed her address in August and informed Mr. White's office, both verbally and in writing of her new address. Mr. White's office has not changed the address with bankruptcy court clerk or Mr. O'Cheskey's office.

9. On January 7, 2011, Ms. SoRelle had informed Mr. White, in writing, that she no longer needed his services. On January 10, 2011, Ms. SoRelle went to Mr. White's office to get a copy of her file. She was informed that she could not have it.

10. Ms. SoRelle is ready, willing, and able to make her payments. Her case was dismissed with prejudice, but she does not know the reason. Mr. White never explained the interlocutory order provided for dismissal with prejudice if she did not make her payment. She is paying her only car in her plan. The car is necessary for her to seek employment.

WHEREFORE, Emily Cress SoRelle, Debtor, requests that this case be reinstated; and requests general relief.

Respectfully submitted,

John A. Leonard, Esq.
LEONARD, KEY & KEY PLLC
900 Eighth Street Suite 327
PO Box 8385
Wichita Falls, Texas 76307-8385
Telephone: (940) 322-5217
Telecopier: (940) 322-3381

/s/ John A. Leonard
John A. Leonard,
State Bar No. 12209600
Attorneys for Debtors

CERTIFICATE OF CONFERENCE

On January 10, 2011, I spoke with Marc McBeath, attorney for Walter O'Cheskey, and was informed that Mr. O'Cheskey opposed this Motion. On January 11, 2011, I spoke with Jeff Lashaway, attorney for Aim Bank, and was informed that the Bank was opposed to the Motion.

/s/ John A. Leonard
John A. Leonard

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument was served upon the people or entities listed on the 12th day of January 2011:

All person's filing a Notice of Appearance	ECF
Walter O'Cheskey	ECF
Jeff Lashaway	ECF

/s/ John A. Leonard
John A. Leonard.